

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2411

Introduced by Assembly Member Bonta

February 21, 2014

An act to ~~amend Section 14110 of~~ *add Section 686.3 to the Penal Code, relating to community violence prevention eyewitness identification.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2411, as amended, Bonta. ~~Community violence prevention. Eyewitness identification: guidelines.~~

Existing law governs criminal procedure, but does not regulate how law enforcement officials prepare or conduct eyewitness photo or live lineup identifications.

This bill would require the Attorney General to develop a set of guidelines governing the collection of eyewitness evidence in showups, photo arrays, and live lineups, as specified, on or before January 1, 2016. The bill would require the Attorney General to develop the guidelines by collecting and reviewing the current best practices to reduce the misidentification of persons in eyewitness lineups that are in use in this state and in other states.

~~Existing law states the intent of the Legislature to develop community violence prevention and conflict resolution programs based on the recommendations of the California Commission on Crime Control and Violence Prevention that would present a balanced and comprehensive educational, intellectual, and experiential approach toward eradicating violence in our society. Existing law also states the intent of the Legislature that these programs be regulated and funded pursuant to~~

~~contracts with the Office of Emergency Services. Existing law includes related legislative findings.~~

~~This bill would make a technical, nonsubstantive change to those findings.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 686.3 is added to the Penal Code, to read:*
2 *686.3. (a) This section shall be known and may be cited as the*
3 *Witness Identification Accuracy Enhancement Act.*

4 *(b) On or before January 1, 2016, the Attorney General shall*
5 *develop a set of guidelines governing the collection of eyewitness*
6 *evidence in showups, photo arrays, and live lineups. The guidelines*
7 *shall include, among other requirements, a requirement that the*
8 *administrator of a lineup be a neutral independent administrator;*
9 *when feasible, and that a person who is familiar with the identity*
10 *of a suspect who is participating in a photographic lineup or*
11 *physical lineup shall not be present during the conduct of the*
12 *photographic lineup or physical lineup.*

13 *(c) The Attorney General shall develop the guidelines described*
14 *in subdivision (b) by collecting and reviewing the current best*
15 *practices to reduce the misidentification of persons in eyewitness*
16 *lineups that are in use in this state and in other states.*

17 ~~SECTION 1. Section 14110 of the Penal Code is amended to~~
18 ~~read:~~

19 ~~14110. The Legislature finds all of the following:~~

20 ~~(a) The incidence of violence in our state continues to present~~
21 ~~an increasing and dominating societal problem that must be~~
22 ~~addressed at its root causes in order to reduce significantly its~~
23 ~~effects upon our society.~~

24 ~~(b) As an initial step toward that goal, the Legislature passed~~
25 ~~Assembly Bill No. 23 of the 1979-80 Regular Session which~~
26 ~~created the California Commission on Crime Control and Violence~~
27 ~~Prevention which was charged with compiling the latest research~~
28 ~~on root causes of violence, in order to lay the foundation for a~~
29 ~~credible, effective violence eradication program.~~

30 ~~(c) The commission produced a final report in 1982 entitled~~
31 ~~“Ounces of Prevention,” which established that long-term~~

1 prevention is a valuable and viable public policy and demonstrated
2 that there are reachable root causes of violence in our society.

3 (d) The report contains comprehensive findings and
4 recommendations in 10 broad categorical areas for the removal of
5 individual, familial, and societal causal factors of crime and
6 violence in California.

7 (e) The recommendations in the report are feasible and credible;
8 propose an effective means of resolving conflict and removing the
9 root causes of violence in our society, and should be implemented,
10 so that their value may be provided to our citizenry.